

REMARKS

Prior to entry of this Amendment, claims 1-55 were pending in the application, with claims 33-55 withdrawn. This paper neither cancels nor adds any claims. Accordingly, after entry of the amendments herein, claims 1-55 remain pending.

1. Objections to the Specification

The Examiner objected to the specification, requiring the phrase "stamped steal" be changed to --stamped steel.-- The Applicant has amended page 7, line 26 accordingly.

2. Claim Objections- Claim 3

The Examiner objected to the lack of a period at the end of claim 3. The Applicant has accordingly corrected this claim.

3. Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 16-23 and 28-30 under 35 U.S.C. § 112, as indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. In particular, the Examiner raised antecedent basis issues with the terms "the bottom support" in claim 16, "the front fork assembly" in claim 22, and "the upper convex wall" in claim 28. The Applicant has amended claims 16, 22, and 28 to insert the proper article.

4. Rejections Under 35 U.S.C. § 102- Claims 1-3 and 8-10

a. Goldberg- Claims 1-3, 8 and 9

The Examiner rejected claims 1-3, 8 and 9 under 35 U.S.C. §102, alleging these claims are anticipated by United States Patent No. 5,423,728 to Goldberg. For at least the following reasons, the Applicant respectfully disagrees.

First, the Applicant respectfully submits Goldberg fails to disclose a monoframe. A "monoframe," as defined by the Applicant, is a "monocoque frame." For example, Fig. 5A depicts "an exploded left-side perspective view of the monoframe structure" (p.7, line 5 of the specification as filed), which is alternately described as "an exploded left-side perspective view of a monocoque frame member" (p. 4, lines 21-22 of the specification as filed). The Applicant has amended the specification to more explicitly recite this definition.

"Monocoque" refers to "a type of construction (as of a fuselage) in which the outer skin carries all or a major part of the stresses" (Merriam-Webster's online dictionary, accessible at <http://www.m-w.com>). That is, the skin of the monocoque member carries stresses applied to it, instead of having such stresses applied to the member in cross-

section (for example, at a weld). The Examiner, however, has apparently interpreted a "monoframe" as a frame having a single unit or piece. In order to support his rejection of claim 1, the Examiner alleges Goldberg teaches a monoframe at col. 4, lines 63-68:

Further, in one form, the frame may have a plurality of segments. Instead of a single unit, the frame may collapse into several units which permits even greater mobility of the stationary exercise bicycle for transport. Each unit of the frame may be re-assembled using bolts or any other type of well known connecting means.

The Applicant respectfully submits Goldberg does not teach a monoframe in this passage. There is no teaching or suggestion that the skin of Goldberg's invention carries all or a major part of the stresses, as required by independent claim 1. Instead, Goldberg merely teaches that the disclosed exercise bike may be made of multiple pieces that can be assembled with fasteners, instead of being welded into a single piece. The fact that Goldberg's frame may be constructed as a single, finished piece does not mean the finished frame is a monoframe. As best Applicant can determine from Goldberg's disclosure, there is no teaching or suggestion that Goldberg's invention employs a monocoque frame. Rather, Goldberg discloses nothing but a truss structure- the exact opposite of a monoframe. Accordingly, the Applicant respectfully submits Goldberg cannot anticipate the invention of claim 1.

To more clearly emphasize this distinction, the Applicant has amended claim 1 to require "a skin of said monoframe carries a major part of the stresses applied to said monoframe." The Applicant respectfully submits Goldberg contains no teaching or suggestion that operational stresses are carried by its frame in this manner.

Claims 2, 3, 8 and 9 depend (either directly or indirectly) from claim 1. Insofar as claim 1 is patentable over the cited reference, so too are its dependent claims. The Applicant makes this statement without reference to or waiving the independent bases of patentability within each dependent claim.

For at least the foregoing reasons, the Applicant respectfully requests the Examiner withdraw his rejections and allow claims 1-3, 8 and 9 as patentable over Goldberg.

b. Forcillo- Claim 10

The Examiner rejected claim 10 under 35 U.S.C. § 102(a) as anticipated by United States Patent No. 6,669,603 to Forcillo. For at least the following reasons, the Applicant respectfully disagrees.

The Applicant respectfully submits Forcillo fails to teach a monocoque frame, as required by claim 10. Rather, as shown in the figures of Forcillo, the body of the disclosed exercise bicycle is made of a multiple-tube construction. For example, a "rear support tube 22 is joined to and extends upwardly from an intermediate section of the main support tube 20" (col. 4, lines 16-17). The multiple-tube structure is not a monoframe.

Additionally, amended claim 10 requires a seat tube and a bottom tube connected at a connection point. Further, this connection point must be enclosed by the monocoque frame structure. The Applicant respectfully submits Forcillo does not teach such an enclosed connection point, nor a seat support/seat tube structure as claimed by amended claim 10.

The Examiner alleges element 22 of Forcillo is a seat support, as required by claim 10. As claimed, the seat support must at least partially enclose a seat tube, and the seat tube must be connected to a bottom tube. Given the Examiner's interpretation, the only element disclosed in Forcillo that could be interpreted as the seat tube is tube 28. However, Forcillo's tube 28 is not affixed to a bottom tube. Indeed, it cannot be, since tube 28 must be adjustable in height (col. 4, lines 31-37). Further, Fig. 4 of Forcillo clearly shows tube 28 is not affixed to anything except element 22, which is not a bottom support. Accordingly, Forcillo cannot anticipate claim 10.

Finally, Forcillo contains no teaching or suggestion that its frame encloses the connection point between a seat tube and bottom support. As best illustrated in Fig. 1, it appears Forcillo's frame does not enclose any connection point at all. Thus, not only does Forcillo fail to teach a monocoque frame, it fails to teach such a frame enclosing a connection point.

For at least the foregoing reasons, the Applicant respectfully requests the Examiner withdraw his rejection and allow independent claim 10 over the cited reference.

5. Rejections Under 35 U.S.C. § 103

a. Claims 4-7- Goldberg and Bowden

The Examiner rejected claims 4-7 under 35 U.S.C. § 103(a) as rendered obvious by the combination of Goldberg and United States Patent No. 3,233,916 to Bowden. For at least the following reasons, the Applicant respectfully disagrees.

First, as set forth above, Goldberg fails to teach a monocoque frame. The comments made above with respect to claim 1 are hereby incorporated into this section, as relevant.

Second, with respect to claims 4 and 7, the Applicant notes Goldberg teaches an exercise bicycle of tubular construction (see, e.g., Fig. 1). There are no "panels" to be found

in Goldberg. By contrast, Bowden discloses a shell frame for a bicycle made of two mating panels. In Goldberg, stresses are carried by the interlocking tubes. For example, the triangulated structures 7 and 14 are both formed from tubes and provide stabilization for Goldberg's device (col. 3, lines 20-46). These triangular structures impart both stability and rigidity (col. 3, lines 41-53).

By contrast, in Bowden, the panels carry such stresses (col. 1, lines 42-46). Bowden's panels are resistant to "compressive and shear forces" (*Id.*) However, the Applicant notes that many of Goldberg's parts, such as the juncture between upstanding post 13 and arm 6A (part of triangle 14) are not subjected to either shear or compressive force during operation. Instead, the weight of the rider on the seat is transferred down post 13 to triangle 14, creating an expansive force acting at the junction of post 13 and arm 6A. The same is true for virtually all connections of any element with the post 13, given the positioning of the rider behind the rearmost connection. Accordingly, during operation, the triangulated stabilizing structures 7 and 14 are subjected to expansive force from the weight of the rider, not compressive or shear force.

Since the forces Goldberg must withstand are directly opposite those that Bowden's panels were designed to create, one of ordinary skill in the art would not be motivated to substitute Bowden's panels for Goldberg's tubular frame. Doing so would lead to failure of the invention to withstand normal operation.

Third, the Applicant notes that tubular constructs derive a large measure of their structural strength from the integrity of the tubular members. The Examiner's suggestion of making Goldberg's frame from two panels would split each tube in half along its longitudinal axis, thus dramatically weakening the amount of force the tubes could withstand. The Applicant respectfully submits one of ordinary skill in the art would avoid such construction, because it would be weaker than simply using unitary tubular members.

By contrast, claim 4 requires the monoframe to be formed from two rigidly-attached panels. Claim 7 requires the panels to form a structural support. As discussed, the combination of Bowden and Goldberg cannot anticipate these claims.

Finally, the Applicant respectfully notes claims 4-7 depend from independent claim 1, which has been shown to be patentable. Accordingly, claims 4-76 are themselves patentable. The Applicant makes this statement without reference to or waiving the independent bases of patentability contained within each of these claims.

For each of the foregoing reasons, the Applicant respectfully requests the Examiner withdraw his rejection and allow these claims over the cited references.

b. Claims 11, 16, 17, 24-27, 29 and 30- Forcillo and Bowden

The Examiner rejected claims 11, 16, 17, 24-27, 29 and 30 under 35 U.S.C. § 103(a) as unpatentable over Forcillo in view of Bowden. For at least the following reasons, the Applicant respectfully disagrees.

Initially, the Applicant respectfully notes Forcillo fails to teach or suggest a monocoque frame. To the extent applicable, the Applicant incorporates the remarks set forth with respect to claim 10 herein.

Secondly, and with particular respect to claim 11, the Applicant notes Forcillo teaches a frame constructed from tubular members in a manner very like that of Goldberg. Further, the relative position of a rider is the same in Forcillo as in Goldberg, with respect to the various load-bearing joints of the frame. Accordingly, as with the combination of Goldberg and Bowden, the Applicant respectfully submits the combination of Forcillo and Bowden would render Forcillo's invention inoperable.

Finally, the Applicant respectfully submits claim 11 depends from a patentably distinct independent claim, namely claim 10. Claim 11 is therefore also patentable. The Applicant makes this statement without waiving the additional bases of patentability in claim 11.

Similarly, the remaining claims also depend, either directly or indirectly, from claim 10. These claims are therefore also patentable. The Applicant makes this statement without reference to or waiving the additional bases of patentability in these claims.

For at least the foregoing reasons, the Applicant respectfully requests the Examiner withdraw his rejection and allow these claims over the cited references.

c. Claims 12, 13, 18, 19, and 31-33- Forcillo and Harris

The Examiner rejected these claims under 35 U.S.C. §103(a) as rendered obvious by the combination of Forcillo and United States Patent No. 6,413,191 to Harris. For at least the following reason, the Applicant respectfully disagrees.

Claims 12, 13, 18, 19, and 31-33 depend, either directly or indirectly, from patentable independent claim 10. Accordingly, these claims are also patentable. The Applicant makes this statement without reference to or waiving the independent bases of patentability within these claims.

Accordingly, the Applicant respectfully requests the Examiner withdraw his rejections and allow these claims over the cited references.

d. Claims 14 and 15- Forcillo, Harris, and Lull

The Examiner rejected these claims under 35 U.S.C. §103(a) as rendered obvious by the combination of Forcillo, Harris, and United States Patent No. D474,252 to Lull. For at least the following reason, the Applicant respectfully disagrees.

Claims 14 and 15 depend indirectly from patentable independent claim 10. Accordingly, these claims are also patentable. The Applicant makes this statement without reference to or waiving the independent bases of patentability within these claims.

Accordingly, the Applicant respectfully requests the Examiner withdraw his rejections and allow these claims over the cited references.

6. Claim 21

The Applicant amended dependent claim 21 solely to revise the antecedent basis of the claimed bottom tube. The bottom tube is now recited in amended independent claim 10.

7. Allowable Subject Matter

The Applicant notes with pleasure the Examiner's statement that claims 20, 21, and 23 would be allowable if rewritten in independent format, including the limitations of the base claim and all intervening claims. The Applicant believes such revision is unnecessary at this time, insofar as the base claim has been shown to be patentable.

8. Conclusion

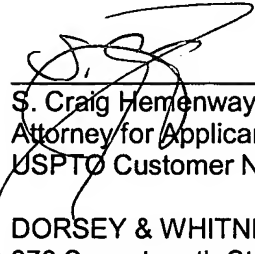
The Applicant thanks the Examiner for her careful review of the application, and believes the foregoing remarks and amendments place the application in condition for allowance. Issuance of a Notice of Allowability is respectfully requested.

This paper is submitted contemporaneously with a petition for a three-month extension of time and payment of the associated fee. The Applicant believes no additional fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendment, please
contact the undersigned at (303) 352-1124.

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Respectfully submitted,



S. Craig Hemenway, Registration No. 44,759
Attorney for Applicant
USPTO Customer No. 20686

DORSEY & WHITNEY LLP
370 Seventeenth Street, Suite 4700
Denver, Colorado 80202-5647
Tel: 303-629-3400
Fax: 303-629-3450